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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,940	11/29/2001	Thomas A. Kozub	EMCORE 3.0-075	5792
530	7590	03/03/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/997,940	<b>Applicant(s)</b> KOZUB ET AL.	
	<b>Examiner</b> Tadesse Hailu	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11-16 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/23/02</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Office Action is in response to the patent application number 09/997, 940 filed on November 29, 2001.
2. The patent application also claims the benefit under 35 USC 119(e) of the following United States provisional application number 60/251,766, filed 12/7/2000.
3. The Formal Drawing submitted on 2/14/2002 is considered and entered into the file.
4. The Amendment made to the Specification and Claims on 12/14/02 are entered into the file.
5. The Information Disclosure Statement submitted on 1/23/02 is considered and entered into the file.
6. The pending claims 1 through 27 are examined herein as follows:

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-10, and 17-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Malitsky et al (US Pat No. 6,560,507).

With regard to claim 1:

As per "An input control system for an automatic wafer transfer within a physical wafer processing system" (see Fig. 1).

As per "a display device with a graphical user interface for displaying indicia relating to the transfer of one or more wafers to and from a wafer carrier used in the wafer processing system;" (column 6, lines 50-64).

As per "display device being further configured to allow a user to graphically select said indicia to direct the transfer of one or more of said wafers between a wafer cassette and wafer carrier whereby said graphical selection causes physical transfer of said selected one or more wafers." (column 6, lines 50-64).

With regard to claim 2:

As per "...said indicia comprises graphical control elements corresponding to physical control elements whereby said graphical control elements control said physical control elements." (column 6, lines 50-64).

With regard to claim 3:

As per "...said indicia further includes wafer graphics representative of physical wafers and a destination graphic representative of one or more physical elements for holding the wafers (column 6, lines 50-64, column 8, lines 11-16), and

As per "said graphical user interface allowing selection of one or more of said wafer graphics and dragging said selected wafer graphics to said destination graphic using a pointing device to effect physical transfer of said selected wafers." (column 7, lines 65-column 8, lines 16).

With regard to claim 4:

As per "...said destination graphic is a wafer cassette slot graphic." (column 7, lines 65-column 8, lines 16).

With regard to claim 5:

As per "... said destination graphic is a wafer carrier graphic." (Fig. 1, column 4, lines 1-12).

With regard to claim 6:

As per "...said destination graphic is a wafer pocket graphic." (Fig. 1, column 4, lines 1-12).

With regard to claim 7:

As per "A wafer transfer controller for a wafer transfer system " (Fig. 1).

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As Per “a display for displaying graphical user interface elements corresponding to physical elements of the wafer transfer system;” (column 6, lines 50-64).

As per “an interface for enabling a user to cause said graphical interface elements to initiate a physical wafer transfer between a wafer storage cassette and a wafer processing carrier.” (column 6, lines 50-64, column 7, lines 65-column 8, lines 16).

With regard to claim 8:

As per “.... said interface allows for receiving commands from said user.” (column 6, lines 50-64).

With regard to claim 9:

As per “...said commands are input by said user using a pointing device.” (column 6, lines 50-64).

With regard to claim 10:

As per “... said user commands comprise a graphical element on said display selected with said pointing device.” (column 6, lines 50-64).

With regard to claim 17:

As per “A method for a user to control the physical transfer of wafers between wafer cassettes and carriers in a wafer processing system using a graphical user interface” (column 6, lines 50-64).

As per “displaying on the graphical user interface one or more wafer graphics representative of the wafers, one or more wafer cassette graphics representative of the wafer cassettes and one or more wafer carrier

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graphics representative of the wafer carriers;" (column 6, lines 50-64, column 8, lines 11-16).

As per "selecting at least one wafer graphic;" (column 6, lines 50-64).

As per "dragging said at least one selected wafer graphic to a destination graphic;" (column 6, lines 50-64).

As per "placing said at least one selected wafer graphic over a predetermined location on said destination graphic;" (column 6, lines 50-64, column 8, lines 11-16).

As per "releasing said selected at least one wafer graphic." (column 6, lines 50-64).

With regard to claim 18:

As per "... physically transferring at least one wafer corresponding to said at least one selected wafer graphic." (column 6, lines 50-64, column 8, lines 11-16).

With regard to claim 19:

As per "...selecting further comprises: placing a pointer of a pointing device over a wafer graphic; and acknowledging said pointing device pointer position." (column 6, lines 50-64).

With regard to claim 20:

As per "... said releasing further comprises acknowledging said pointing device pointer position." (column 6, lines 50-64).

With regard to claim 21:

As per "An input control apparatus to control wafer transfer as per between a wafer cassette and a wafer carrier in a wafer transfer system" (Fig. 1).

As per "a computer system including a processor, a display device, an input device and a software program operative under control of said processor, said computer and said software program being operative to create a graphical user interface for display on said display device;" (Fig. 1, column 1, lines 29-50).

As per "said graphical user interface including graphical representations of the wafer transfer system, at least one wafer graphic, at least one wafer cassette slot graphic and at least one wafer carrier graphic;" (column 6, lines 50-64).

As per "said input device allowing a user to graphically select said at least one wafer graphic and place said selected wafer graphic on a destination graphic whereby said graphical selection and placement causes physical transfer of a corresponding wafer to a corresponding destination of the wafer transfer system." (column 6, lines 50-64, column 8, lines 11-16).

With regard to claim 22:

As per "... said destination graphic is a wafer cassette slot graphic." (column 7, lines 65-column 8, lines 16).

With regard to claim 23:

As per "...said destination graphic is a wafer carrier graphic." (column 6, lines 50-64, column 8, lines 11-16).

With regard to claim 24:



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As per "... said destination graphic is a wafer pocket graphic." (Fig. 1, column 4, lines 1-12).

With regard to claim 25:

Independent claim 25 corresponds generally to independent claim 17 and recites similar features in storage medium form, and therefore is rejected under the same rationale.

With regard to claim 26:

As per "... allowing for a user to control the physical transfer of at least one wafer corresponding to said at least one selected wafer graphic." (column 6, lines 50-64).

With regard to claim 27:

Independent claim 27 corresponds generally to independent claim 21 and recites similar features in apparatus form, and therefore is rejected under the same rationale.

***Allowable Subject Matter***

8. Claims 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reference fails to teach at least a wafer transfer controller including at least in part a graphical elements comprise: at least one antechamber graphic; wherein each said antechamber graphic further comprises: an outer door graphic; an inner door graphic.

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### CONCLUSION

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

10. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu  
2/28/05

